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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/757,940

01/10/2001

R. Mark Halligan

77901

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24628 7590 03/12/2008
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EXAMINER

MOONEYHAM, JANICE A

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/757,940	HALLIGAN ET AL.	
Examiner	Art Unit	
JANICE A. MOONEYHAM	3629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 05 May 2006 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☒ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The Supplemental Response will not be entered or considered by the Examiner for the following reasons: First, it is unclear as to what purpose the Supplemental Response is being submitted. Under the Remarks, the applicant states that "as further evidence of the non-obviousness of the claimed invention, the applicant submit herewith a number of publications either written by the applicant or others who have come to recognize the importance of trade secret protection". Then the applicant list 7 articles. Secondly, the Examiner asserts that the evidence submitted is not a proper declaration/affidavit under 37 CFR 1.132. Third, if this is an attempt to provided a declaration/affidavit under 37 CFR 1.132, it is not timely. Fourth, if this is an attempt to provide references to be considered by the Examiner, the listing of references in the Remarks of a Supplemental Response is not a proper information disclosure statement (IDS). Therefore, since the references have not been cited on a proper IDS form (1449), they have not been considered.

/Janice A. Mooneyham/
Primary Examiner, Art Unit 3629